

by the present invention. The attached amended claims correct the insufficiencies of the limitation.

Claim 1 was rejected as being unpatentable over Muenchow in view of Eppley et al. The examiner states that Muenchow shows a reflective enclosure 25, 35. The applicant claims nowhere in Muenchow's specifications or claims is the word reflective stated. Per our phone conference and in the office action the examiner states that a lens is inherently reflective as with the example given of a car taillight lens. The applicant respectfully disagrees for two reasons. One, a car taillight possesses reflective materials in the lens to make the lens reflective. A plastic lens by itself is not reflective in the definition of the word, "to throw back light from a surface". A lens by definition is "...a transparent device used to refract light rays so that they converge or diverge to form an image". The applicant states definitions from Webster's Dictionary above and also where refract is a deflection and not a reflection. Muenchow does not state his lens or enclosure is reflective. Second, Muenchow's invention has been commercialized and the applicant has personally reviewed the commercialized product. The lens stated is not reflective or contain reflective properties. It is used to refract the light rays of the led. The present invention possesses a reflective enclosure of the light assembly where the enclosure is made or covered with reflective property materials.

Claim 1 is also rejected in view of Eppley showing a tipup having a reflective enclosure and having a light source. The applicant states that Eppley does not reference reflective in the specification or claims. Eppley states a bulb where Webster defines a bulb as "an incandescent light" where incandescent is again not reflective though "giving off light when heated".

Eppley's invention also utilizes a metal spring to make the electrical contact for the power source to light source. Eppley's invention will not work with varying tip-ups where the spring is not

AMENDMENT - Page 2

metal or conductive such as a plastic coil spring. Eppley's claims also comprise of the tip-up and lighting device. The current invention is usable on all tip-up devices and not to a specific tip-up as in Eppley's claims.

Amendments to the Claims:

The listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1 – 7 (canceled)

Claim 8 (new). An ice fishing display device for use with an ice fishing tip-up with a base assembly and a tip-up flag arm mounted to the base assembly comprising:

a reflective enclosure containing a light source and a tiltable switch such that said light source is electrically connected to said tiltable switch, and said reflective enclosure can be seen by others when shined upon with lights to verify position of said flag arm;

a power source detachably mounted to the base assembly, wherein said power source includes a detachable connection to said light source; and

an electrical connection to said light source, tiltable switch and power source wherein conductors have connection to said flag arm with removable fasteners along the length of said flag arm,

whereby, when a fish strikes, said tip-up arm is released from a lowered position and said tiltable switch electrically connects to said power source to said enclosure so that said light source illuminates to signal a user of a fish strike.

Claim 9 (new). An ice fishing display device for use with an ice fishing tip-up with a base assembly and a tip-up flag arm mounted to the base assembly comprising:

a reflective enclosure containing a light source and tiltable switch such that said light source is electrically connected to said tiltable switch, and said reflective enclosure can be seen by others when shined upon with lights to verify position of said flag arm;

a power source; and

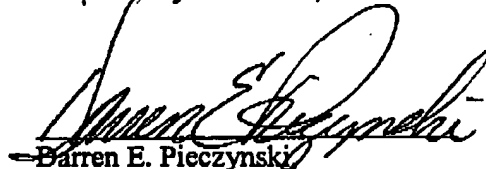
an electrical connection means to said light source, tiltable switch and power source within said reflective enclosure,

whereby when a fish strikes, said tip-up arm is released from a lowered position and said tiltable switch electrically connects to said power source to said enclosure so that said light source illuminates to signal a user of a fish strike.

The applicant requests consideration of the amendment to the Claims being submitted.

Dated: July 5, 2005

Respectfully submitted,


Warren E. Pieczynski
Applicant

CERTIFICATE OF FAXING

☒ I hereby certify that the above-noted paper is being faxed to United States Patent and Trademark general fax of 703-872-9306 on July 5, 2005 as first above noted


Darren E. Pieczynski

AMENDMENT - Page 6